<u>REMARKS</u>

This responds to the Final Office Action mailed on October 27, 2008. Claims 1-32 have been cancelled and new claims 33-39 added to the instant application. As such, claims 33-39 are currently pending in this application.

§103 Rejection of the Claims

Claims 19-27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tomioka et al. (US 6,606,748) in view of Throckmorton et al. (US 5,818,441).

As noted above, the Applicant has cancelled claims 1-32 and added new claims 33-39 for examination. Applicant respectfully submits that the Office Action does not make out a *prima facie* case of obviousness in connection with any of the above rejections as applied to new claims 33-39 because even if combined, the cited references fail to teach or suggest all of the elements of Applicant's claimed invention related to new claims 33-39. The references when combined must teach or suggest all the claim elements.[1]

With respect to independent claim 33 recites, in part, "assigning on a master scheduler a first event identifier and a program identifier to a primary event...assigning on the master scheduler a second event identifier and the program identifier to a support event...creating on the master scheduler a programming schedule...storing the primary event identifier and a possible time change action associated with a schedule time change to the primary event in an event registration table on the master scheduler...storing the primary event identifier in an interest registration table on the master scheduler, the possible time action associated with the schedule time change to the primary event, and a table manipulation routine call to effect the schedule time change to the programming schedule for the supporting event...transmitting the programming schedule, the event registration table, and the interest registration table to a slave scheduler...receiving a request to modify the program schedule by changing the time period of the primary event on the slave scheduler...modifying the time period of the primary event on the program schedule of the slave scheduler....determining on the slave scheduler whether the event registration table includes the event identifier associated with the primary event and whether the

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[1] M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

possible time action has occurred based on the modifying of the time period...and performing the table manipulation routine call on the slave scheduler to modify the programming schedule to create a modified programming schedule, the modified programming schedule reflecting that scheduling of the supporting event is altered to reflect the modifying of the time period of the primary event" Applicant cannot find these claim elements in the references. In particular, Tomioka and Throckmorton, alone or in any combination, fail to teach or suggest the above claim limitations. Similarly, independent claim 39 recites substantially the same claim limitations recited in independent claim 33, and therefore these same claim limitations recited in independent claim 39 are also not found in either Tomioka or Throckmorton.

Tomioka relates to an information method and system for "providing, to a plurality of users, information consisting both of data which are altered only infrequently and data which are updated frequently, such as television broadcast program schedules." [2] In particular, "an information providing apparatus 1...[receives] information consisting of television program schedule data [that includes] a data storage section...which holds...variation data."[3] Tomioka defines the term "variation data" as "those parts of the current program data which do not form part of the framework data..."[4] In other words, the variation data includes data related to changes that need to be made in the main program included in the framework data. For example, variation data may include information related to "the broadcast duration of one program...[having] been increased by 15 minutes, and as a result, the starting time point of the succeeding program has been correspondingly delayed by 15 minutes...while its duration has been reduced by 15 minutes."[5] The variation data is sent to a "data reconstitution section... [for] correctly [reconstituting]... correctly updated program information... by combining the relevant parts of the variation data and framework data [to update a scheduled broadcast]."[6] Tomoika updates the broadcast by "reconstituting the program data for a specific broadcast [by finding]...a corresponding variation data record...[and then] each attribute contained in that variation data record to generate the resultant final (reconstituted) data record, together with any

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[2] *See* Col. 1, lines 13-15.
[3] *See* Col. 9, lines 60-64.
[4] *See* Col. 20, lines 55-63
[5] *Id.*
[6] *See* Col. 20, line 67-Col. 21, line 2.

data item that is contained in the corresponding framework data record but not in the variation data record for that program."[7]

Throckmorton relates to a "mass media provider [that delivers]... a one-way stream of electronic data...referred to as a primary stream of data [that] includes live or pre-recorded information...for the purpose of delivery to consumers over delivery mediums such as broadcast television..."[8] In addition, the media provider includes "a stream of data generated separately from the primary data but having content that is relevant to the primary data...and usually relevant to a particular program of primary data..."[9] which is referred to as associated data. Throckmorton also recites a "data synchronization sub-system whose function is to synchronize the primary data stream generated by the sub-system 10 with specific associated data. The input to data synchronizing sub-system 20 is scene information from the primary data stream in the form of timecodes and time durations, and data from associated data generator sub-system."[10] In this manner, Throckmorton properly synchronizes the primary data stream with the associated data.

In view of the above, there is no teaching or suggestion in Tomioka that relates to a method comprising "creating on the master scheduler a programming schedule [and] ...transmitting the programming schedule, the event registration table, and the interest registration table to a slave scheduler...modifying the time period of the primary even ton the program schedule of the slave scheduler...determining on the slave scheduler whether the event registration table includes the event identifier associated with the primary event and whether the possible time action has occurred based on the modifying of the time period...[and then] performing the table manipulation routine call on the slave scheduler to modify the programming schedule to create a modified programming schedule, the modified programming schedule reflecting that scheduling of the supporting event is altered to reflect the modifying of the timer period of the primary event." Tomioka relies on a "data reconstitution section to correctly reconstitute updated program information [for a broadcast]...by combining relevant parts of the variation data and framework data held in the program data storage section with priority being

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[7] *See* Col. 21, lines 5-11.
[8] *See* Col. 3, lines 36-42.
[9] *See* Col. 3, lines 55-59.
[10] *See* Col. 4, lines 53-58.

given to the variation data. More specifically, when reconstituting the program data for a specific broadcast, if it is found that a corresponding variation data record exists, then each attribute contained in the variation data record is used in generating the resultant final (reconstituted) data record."[11]

Tomioka also fails to disclose the claim limitation of an arrangement between a "master scheduler" and a "slave scheduler". In particular, the reference fails to teach or suggest the claim limitation of "performing the table manipulation routine call on the slave scheduler to modify the programming schedule to create a modified programming schedule, the modified programming schedule reflecting that scheduling of the supporting event is altered to reflect the modifying of the time period of the primary event." As such, Tomioka cannot teach or suggest that claim limitations related to a master scheduler, slave scheduler and a supporting event as claimed.

Throckmorton fails to cure this defect. Throckmorton relies on a "data synchronizing sub-system…to synchronize the primary data stream with specific associated data… in the form of timecodes and time durations."[12] The system creates a "so called script for the delivery and display of associated data at specific points in time…[and in particular the] script …specifies that a detailed data sheet will be delivered to the consumer prior to a specific television product advertisement, and that the data sheet will be displayed on the consumer's personal computer display when a certain television's advertisement starts."[13] Throckmorton recites that "[t]his allows segment of each track to be manipulated independently but with reference to a common time line so that segments may later be reconstituted."[14] As such, Throckmorton requires a common time line, rather than utilizing a master scheduler for "creating on a master scheduler a programming schedule" or a slave scheduler for "modifying the time period of the primary event on the program schedule of the slave scheduler" in order to effect changes in a supporting event when a related primary event has been changed. Accordingly, there is no teaching or suggestion that the synchronizing sub-system of Throckmorton discloses the claim limitations of a master scheduler for "creating on a master scheduler a programming schedule" or a slave scheduler for

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[11] *See* Col. 20, line 67-Col. 21, line 9.
[12] *See* Col. 4, lines 53-65.
[13] *Id.*
[14] *See* Col. 5, lines 3-5.

"modifying the time period of the primary event on the program schedule of the slave scheduler" as claimed.

Based on the foregoing, Tomioka and Throckmorton, alone or in any combination, do not teach or suggest every claim limitation of independent claims 33 and 39. Therefore, Applicant respectfully requests the allowance of independent claims 33 and 39.

Applicant submits that a dependent claim incorporates each of the claim elements of the independent claim it properly depends from. Therefore, Applicant respectfully requests withdrawal of the §103 rejection and allowance of the dependent claims 34-38 by virtue of their respective dependencies from independent claim 33.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (314) 552-6855 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-1662.

Respectfully submitted,

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